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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,490	02/09/2001	Marco Graziano	M-9823 US	8135
23639	7590	05/24/2004	EXAMINER	
BINGHAM, MCCUTCHEN LLP THREE EMBARCADERO, SUITE 1800 SAN FRANCISCO, CA 94111-4067			BARNES, CRYSTAL J	
			ART UNIT	PAPER NUMBER
			2121	13
DATE MAILED: 05/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/780,490	GRAZIANO ET AL.	
	Examiner	Art Unit	
	Crystal J. Barnes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 08 April 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) 3,11 and 19 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4-10,12-18 and 20-42 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 09 February 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. The following is a Non-Final Office Action in response to Amendment received on 08 April 2004. Claims 1, 9, 13 and 17 have been amended. Claims 3, 11 and 19 have been cancelled. Claims 1, 2, 4-10, 12-18 and 20-42 are now pending in this application.

Claim Rejections - 35 USC § 112

2. The amendment to claim 13 was received on 08 April 2004. This correction is acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 7-9, 13, 15-17, 21, 23-26, 28-32, 34-38 and 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,956,487 to Venkatraman et al.

As per claim 1, the Venkatraman et al. reference discloses a method for remotely monitoring and/or controlling a home device performed on a web-based host, the method comprising establishing a connection (see column 3 lines 8-10, "communication path 22") with a remote device (see column 5 lines 29-31, "web browser 40") from the web-based host (see column 3 lines 17-19, "web server 14"); communicating graphical interface files (see column 3 lines 27-32, "web page 18") to the remote device ("web browser 40"), the graphical interface files ("web page 18") for allowing a user (see column 5 lines 65-66, "user") of the remote device ("web browser 40") to select a home device ("device 10") to monitor and/or control ("accesses and controls") and for allowing the user ("user") of the remote device ("web browser 40") to specify how to monitor (see column 3 lines 19-21, "HTTP commands") and/or control (see column 3 lines 22-23, "HTTP commands") the home device ("device 10"); receiving monitoring and/or control information (see column 3 lines 17-19, "HTTP commands") from the

remote device ("web browser 40") at the web-based host ("web server 14"), the monitoring and/or control information ("HTTP commands") selected through the graphical interface files (see column 3 lines 34-42, "web page 18"); establishing a connection (see column 4 lines 5-10, "input/output circuitry 220") with a home ("device specific hardware 300") from the web-based host ("web server 14"); and communicating the monitoring and/or control information ("HTTP commands") to the home ("device specific hardware 300"), wherein the monitoring and/or control information ("HTTP commands") causes monitoring information (see column 3 lines 19-21, "device status information") to be obtained from a home device ("device 10") in the home and/or causes a home device ("device 10") in the home to be controlled (see column 3 lines 35-39, "various control functions").

As per claim 5, the Venkatraman et al. reference discloses receiving home device status information (see column 3 lines 19-21, "device status information") in response to the step of communicating the monitoring and/or control information ("HTTP commands") from the web-based host ("web server 14") to the home ("device specific hardware 300") and

communicating the home device status information ("device status information") to the remote device ("web browser 40").

As per claim 7, the Venkatraman et al. reference discloses the remote device ("web browser 40") is a wireless telephone, a wireless personal digital assistant, or a wireless computer (see column 5 lines 3-8, "control computer").

As per claim 8, the Venkatraman et al. reference discloses the remote device ("web browser 40") is a wired telephone, a wired personal digital assistant, or a wired computer (see column 5 lines 51-59, "computer system").

As per claim 9, the Venkatraman et al. reference discloses a computer system for remotely monitoring and/or controlling a home device, the computer system comprising one or more computers (see column 7 lines 30-32, "computer systems 90-92") connected to one or more remote devices ("devices 10 and 50-52") via a network ("network 80"); one or more computer programs (see column 7 lines 32-35, "web browser software/functions") executable by the computers ("computer systems 90-92"), wherein the computer programs "web browser software/functions" comprise computer

instructions ("web browser software/functions") for establishing a connection (see column 3 lines 8-10, "communication path 22") with a remote device (see column 5 lines 29-31, "web browser 40") from the web-based host (see column 3 lines 17-19, "web server 14"); communicating graphical interface files (see column 3 lines 27-32, "web page 18") to the remote device ("web browser 40"), the graphical interface files ("web page 18") for allowing a user (see column 5 lines 65-66, "user") of the remote device ("web browser 40") to select a home device ("device 10") to monitor and/or control ("accesses and controls") and for allowing the user ("user") of the remote device ("web browser 40") to specify how to monitor (see column 3 lines 19-21, "HTTP commands") and/or control (see column 3 lines 22-23, "HTTP commands") the home device ("device 10"); receiving monitoring and/or control information (see column 3 lines 17-19, "HTTP commands") from the remote device ("web browser 40") at the web-based host ("web server 14"), the monitoring and/or control information ("HTTP commands") selected through the graphical interface files (see column 3 lines 34-42, "web page 18"); establishing a connection (see column 4 lines 5-10, "input/output circuitry 220") with a home ("device specific hardware 300") from the web-

based host ("web server 14"); and communicating the monitoring and/or control information ("HTTP commands") to the home ("device specific hardware 300"), wherein the monitoring and/or control information ("HTTP commands") causes monitoring information (see column 3 lines 19-21, "device status information") to be obtained from a home device ("device 10") in the home and/or causes a home device ("device 10") in the home to be controlled (see column 3 lines 35-39, "various control functions").

As per claim 13, the rejection of claim 5 is incorporated and further claim 13 contains limitations recited in claim 5; therefore claim 13 is rejected under the same rationale as claim 5.

As per claim 15, the rejection of claim 7 is incorporated and further claim 15 contains limitations recited in claim 7; therefore claim 15 is rejected under the same rationale as claim 7.

As per claim 16, the rejection of claim 8 is incorporated and further claim 16 contains limitations recited in claim 8; therefore claim 16 is rejected under the same rationale as claim 8.

As per claim 17, the rejection of claim 1 is incorporated and further claim 17 contains limitations recited in claim 1; therefore claim 17 is rejected under the same rationale as claim 1.

As per claim 21, the rejection of claim 5 is incorporated and further claim 21 contains limitations recited in claim 5; therefore claim 21 is rejected under the same rationale as claim 5.

As per claim 23, the rejection of claim 7 is incorporated and further claim 23 contains limitations recited in claim 7; therefore claim 23 is rejected under the same rationale as claim 7.

As per claim 24, the rejection of claim 8 is incorporated and further claim 24 contains limitations recited in claim 8; therefore claim 24 is rejected under the same rationale as claim 8.

As per claim 25, the rejection of claim 1 is incorporated and further claim 25 contains limitations recited in claim 1; therefore claim 25 is rejected under the same rationale as claim 1.

As per claim 26, the rejection of claim 5 is incorporated and further claim 26 contains limitations recited in claim 5; therefore claim 26 is rejected under the same rationale as claim 5.

As per claim 28, the Venkatraman et al. reference discloses communicating with a home device ("device 10") via a radio frequency connection (see column 5 lines 31-35, "radio frequency communication links").

As per claim 29, the Venkatraman et al. reference discloses communicating with a home device ("device 10") via a power line connection (see column 5 lines 31-35, "power line communication links").

As per claim 30, the Venkatraman et al. reference discloses the home device ("device 10") is a stand-alone device (see column 5 lines 16-17, "home entertainment device"), a peripheral device (see column 4 lines 17-18, "printer device"), a personal computer, or a television set-top box.

As per claim 31, the Venkatraman et al. reference discloses an apparatus for monitoring and/or controlling a home device, the apparatus comprising a microprocessor (see column 4 lines 6-10, "processor 200"); a memory ("memory 210") connected to the microprocessor ("processor 200"); and one or more computer programs (see column 7 lines 32-35, "web browser software/functions") executable by the microprocessor ("processor 200"), wherein the computer programs ("web browser software/functions") comprise computer instructions ("web browser software/functions") for

establishing a connection (see column 3 lines 8-10, "communication path 22") with a web-based host (see column 3 lines 17-19, "web server 14"); and receiving monitoring and/or control information (see column 3 lines 17-19, "HTTP commands") from the web-based host ("web server 14").

As per claim 32, the Venkatraman et al. reference discloses communicating the monitoring and/or control information ("HTTP commands") to a home device ("device 10"), thereby causing monitoring information (see column 3 lines 19-21, "device status information") to be obtained from the home device ("device 10") and/or causing the home device ("device 10") to be controlled (see column 3 lines 35-39, "various control functions").

As per claim 34, the Venkatraman et al. reference discloses communicating with a home device ("device 10") via a radio frequency connection (see column 5 lines 31-35, "radio frequency communication links").

As per claim 35, the Venkatraman et al. reference discloses communicating with a home device ("device 10") via a power line connection (see column 5 lines 31-35, "power line communication links").

As per claim 36, the Venkatraman et al. reference discloses the home device ("device 10") is a stand-alone device (see column 5 lines 16-17, "home entertainment device"), a peripheral device (see column 4 lines 17-18, "printer device"), a personal computer, or a television set-top box.

As per claim 37, the rejection of claim 31 is incorporated and further claim 37 contains limitations recited in claim 31; therefore claim 37 is rejected under the same rationale as claim 31.

As per claim 38, the rejection of claim 32 is incorporated and further claim 38 contains limitations recited in claim 32; therefore claim 38 is rejected under the same rationale as claim 32.

As per claim 40, the rejection of claim 34 is incorporated and further claim 40 contains limitations recited in claim 34; therefore claim 40 is rejected under the same rationale as claim 34.

As per claim 41, the rejection of claim 35 is incorporated and further claim 41 contains limitations recited in claim 35; therefore claim 41 is rejected under the same rationale as claim 35.

As per claim 42, the rejection of claim 36 is incorporated and further claim 42 contains limitations recited in claim 36; therefore claim 42 is rejected under the same rationale as claim 36.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,956,487 to Venkatraman et al. in view of USPN 6,732,158 B1 to Hesselink et al.

As per claim 2, the Venkatraman et al. reference does not expressly disclose receiving authentication information from the remote device and determining at the web-based host whether a user of the remote device has permission to access the home.

The Hesselink et al. reference discloses
(see column 2 lines 4-13, "Entities connected to computer networks such as the Internet and web-browser software can schedule recordings ...

and/or operate the recording equipment. ... a user ... accesses a service provider website using his/her user name and password ...")

(see column 9 lines 36-39, "A user profile contains user accesses information such as log-in name and password that enables connections server 114 to verify connection requests from the clients 118.")

(see column 13 lines 46-50, "... transmits authentication information such as user id and/or password ... to identify and verify the designated user account ...")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the embedded web access mechanism taught by the Venkatraman et al. reference with the internet-based service model taught by the Hesselink et al. reference to provide secure control of remotely located devices via a computer network.

One of ordinary skill in the art would have been motivated to provide secure control of remotely located devices via a computer network to enable anyone with internet access to remotely operate devices.

As per claim 10, the rejection of claim 2 is incorporated and further claim 10 contains limitations recited in claim 2; therefore claim 10 is rejected under the same rationale as claim 2.

As per claim 18, the rejection of claim 2 is incorporated and further claim 18 contains limitations recited in claim 2; therefore claim 18 is rejected under the same rationale as claim 2.

7. Claims 4, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,956,487 to Venkatraman et al. in view of USPN 6,553,336 B1 to Johnson et al.

As per claim 4, the Venkatraman et al. reference does not expressly disclose encrypting the monitoring and/or control information before the monitoring and/or control information is communicated to the home.

The Johnson et al. reference discloses
(see columns 20-21 lines 65-26, "... all transmitted messages can be encrypted to control access ...")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the embedded web access

mechanism taught by the Venkatraman et al. reference with the encryption of transmitted messages as taught by the Johnson et al. reference.

One of ordinary skill in the art would have been motivated to combine various teachings of Venkatraman et al. and Johnson et al. to provide a home network whereby users could interact with the network wherein the monitoring/control data is encrypted to facilitate secure monitoring/control of various devices.

As per claim 12, the rejection of claim 4 is incorporated and further claim 12 contains limitations recited in claim 4; therefore claim 12 is rejected under the same rationale as claim 4.

As per claim 20, the rejection of claim 4 is incorporated and further claim 20 contains limitations recited in claim 4; therefore claim 20 is rejected under the same rationale as claim 4.

8. Claims 6, 14, 22, 27, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,956,487 to Venkatraman et al. in view of USPN 6,727,811 B1 to Fendis.

As per claim 6, the Venkatraman et al. reference does not expressly disclose establishing a connection with the home if a home device in the home has detected an event, receiving information which describes the event, and communicating the information which describes the event to a user.

The Fendis reference discloses
(see column 2 lines 51-53, "The system 10 is connectable to the world wide web or internet 24 ... send electronic mail message ...")
(see column 2 lines 56-62, "The alarm conditions activates alarm 16 which ... transmits alarm data in the form of streaming video ... The alarm data is transmitted over the world wide web or internet 24.")
(see column 3 lines 24-30, "Home security system 40 ... internet ready communication unit 44 ... internet service provider 48 ...")
(see column 3 lines 63-67, "The control module 18 is operable to control doors ... appliances ...")
(see column 4 lines 3-6, "... streaming audio and/or streaming video ... ambient temperature or other data, to be transmitted by electronic mail to monitoring bureau 66 and/or user 22.")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the embedded web access functionality in devices taught by the Venkatraman et al. reference with the monitoring system taught by the Fendis reference to provide remote monitoring and communication to a user remote from the monitored location.

One of ordinary skill in the art would have been motivated to provide remote monitoring and communication to a user remote from the monitored location so that an occurrence of predetermined alarm conditions was monitored, the alarm conditions were responded to by capturing alarm data, and alarm data was transmitted to a remote location or to a communications network for transmission to the remote location.

As per claim 14, the rejection of claim 6 is incorporated and further claim 14 contains limitations recited in claim 6; therefore claim 14 is rejected under the same rationale as claim 6.

As per claim 22, the rejection of claim 6 is incorporated and further claim 22 contains limitations recited in claim 6; therefore claim 22 is rejected under the same rationale as claim 6.

As per claim 27, the rejection of claim 6 is incorporated and further claim 27 contains limitations recited in claim 6; therefore claim 27 is rejected under the same rationale as claim 6.

As per claim 33, the rejection of claim 6 is incorporated and further claim 33 contains limitations recited in claim 6; therefore claim 33 is rejected under the same rationale as claim 6.

As per claim 39, the rejection of claim 6 is incorporated and further claim 39 contains limitations recited in claim 6; therefore claim 39 is rejected under the same rationale as claim 6.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 5, 7, 8, 17, 21, 23-26, 28-32, 34-38 and 40-42 rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,175,860 B1 to Gaucher have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments with respect to claims 9, 11, 13, 15 and 16 rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,546,419 B1

to Humpleman et al. have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments, see Remarks page 14, filed 08 April 2004, with respect to claims rejected under 35 U.S.C. 103(a) have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to remote monitoring/controlling of devices in general:

USPN 6,701,364 B1 to Meyer

USPN 6,690,979 B1 to Smith

USPN 6,574,522 B1 to Douglas

USPN 6,170,007 B1 to Venkatraman et al.

USPN 6,161,133 to Kikinis

USPN 6,139,177 to Venkatraman et al.

USPN 6,108,614 to Lincoln et al.

US Pub. No. 2002/0013819 A1 to Lim et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb
17 May 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600